

**AMENDMENTS TO THE DRAWINGS**

Applicants hereby submit a replacement FIG. 2C.

Attachment: Replacement Sheets

**REMARKS**

**Status of the Application**

Claims 1-13 are all the claims that have been examined in the application. Claims 1-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Uematsu (U.S. 5,911,340).

By this Amendment, Applicant is amending claims 1-13, and adding new claims 14 and 15. No new matter is added.

**Preliminary Matters**

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on July 10, 2006.

**Drawing Objection**

*The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 22 (Figure 2C).*

Applicants hereby submit a replacement FIG. 2C in which designation 22 is removed. Withdrawal of the objection is hereby respectfully requested.

**Claim Rejection -- 35 U.S.C. § 102(b)**

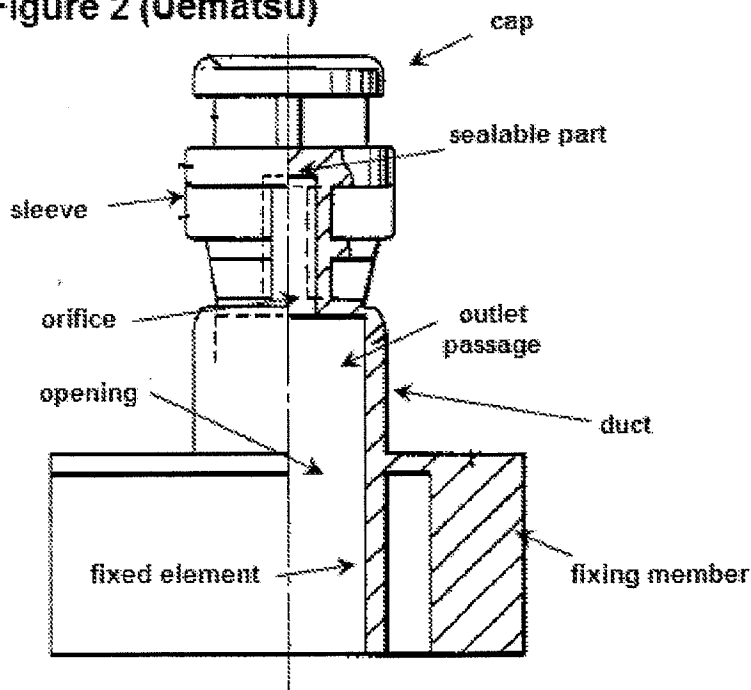
*Claims 1-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Uematsu (US 5,911,340).*

Applicant respectfully traverses.

In rejecting claims 1-13 in view of Uematsu (US 5,911,340), the grounds of rejection state:

Regarding Claim 1, Uematsu discloses a closure device 20 (Figure 2) intended to be mounted on an opening (Figure 2 below) of a fluid product reservoir, said device being formed as a single piece by injection molding (Column 1, Line 56) plastic material (Column 4, Line 12) and comprising a fixing member (Figure 2 below) intended to cooperate with the reservoir opening to form a sealed attachment, a dispensing duct (Figure 2 below) forming an outlet passage (Figure 2 below) for the fluid product contained in the reservoir, said duct forming a dispensing orifice (Figure 2 below), a closing member 20 (Figure 2) to close and seal said duct, said closing member being joined to the dispensing duct by at least one bridge of material 28 (Figure 10A) intended to be broken when the closing member is first removed, characterized in that said closing member comprises a sealable part (Figure 2 below); said sealable part, before sealing, leaving the dispensing orifice clear and, after sealing, closing the dispensing orifice in sealed manner.

**Figure 2 (Uematsu)**



Office Action at pages 2-3.

The Examiner alleges that Uematsu discloses a closing member 20 joined to the duct by a bridge 28, the closing member having a sealable part able to close, after sealing, the dispensing orifice. In the Examiner's annotated figure found on page 4 of the Office Action (corresponding

to FIG. 2 of Uematsu), an arrow identifies the alleged sealable part. However, claim 1 requires that the sealable part be disposed as part of the closing member. On the other hand, the Examiner's annotated figure indicates that the sealable part is disposed at the top of a tube 13 extending outside the package 15. Thus, the sealable part identified by the Examiner as allegedly disclosing the sealable part recited in claim 1 is not part of the closing member 20 as recited in claim 1. See Uematsu FIG. 2 and the Examiner's annotated figure.

Further, the term "sealable" means that the part may be sealed, and not that the part seals. This is made clear by the definition of "sealable" given at the end of claim 1 (i.e., that the part has two different statuses, a first non sealing one and a second final sealing one). Uematsu can only show a single status, since the alleged sealable part fails to maintain a non-sealing status.

Therefore, claim 1 is patentable over the applied art. Claims 2-13 are patentable at least by virtue of their respective dependencies.

#### **New Claims**

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 14 and 15.

#### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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**23373**

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